

Declaration of Robert Hawks in Opposition to  
Plaintiffs' Motion for a Preliminary Injunction  
and in Support of Defendants' Cross-motion  
for a Preliminary Injunction and Order to Reactivate Website

**CORRECTED PAGE 8**

<http://kaiser-battistone.com/kb-x-tendr/-kb-x-tendr.shtml> - "Older, overtaxed or neglected septic systems and cesspools that have not been properly maintained (cleaned at least every two years,) may require a "shock dosage" to create a high bacterial level."

**Establishment of Defendants' Website; Unintended Copying**

19. Early in 2007 defendants' mortgage brokerage business declined significantly due to what has been termed the subprime mortgage crisis. By the end of the first quarter our business was down to an insignificant amount and we decided to seek another source of income by going into the sale of septic system chemicals - the same business plaintiffs were and are engaged in. Defendants' website [www.newtechbio.com](http://www.newtechbio.com) became operational in April 2007, nearly 18 months after my ~~communications~~ relationship with Jorgensen had ended.

20. To create defendants' website, I compiled substantial amounts of information from the websites of over 20 online companies (including plaintiffs' [www.biosafeone.com](http://www.biosafeone.com) website) selling septic system chemicals, and stored the collected data in text or Microsoft Word format; and used this aggregation of stored material as a reference to help with the planning and creation of defendants' website. In doing so I extensively